REMARKS

I. INTRODUCTION

Claims 13-24 are pending in the present application. Claim 15 has been amended to be rewritten in independent form. The amendment to claim 15 does not raise any new issues; accordingly, it is submitted that the amendment should be entered. Reconsideration of the present application is requested.

II. FINALITY OF REJECTION

Applicants respectfully submitted that the Office Action dated October 8, 2003 has been improperly designated as "Final." According to the Examiner, Applicants' amendment necessitated the new ground of rejection. Respectfully, Applicants' amendment (August 5, 2003) merely clarified the recited subject matter, and did not, in fact, necessitate the new ground of rejection. It is submitted that the finality of the Office Action should be withdrawn.

III. REJECTION UNDER 35 U.S.C. § 102(b)

Claims 13-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,493,709 to Duckeck et al. (the "Duckeck patent"). It is respectfully submitted that the Duckeck patent does not anticipate any of claims 13-24, for at least the following reasons.

Claim 13 recites the following:

> . . . transmitting, via each respective one of the transmitters, ***at least one message containing selection data indicative of a respective transmission region of the respective one of the transmitters*** . . . .

Claim 15 includes this same language. Claims 14, 16-22 depend from claim 13. Claim 23 includes similar language, and claim 24 depends from claim 23. Respectfully, the Duckeck patent does not disclose at least this recited feature.

As regards Applicants' recited "selection data," the Examiner apparently relies on the coordinate data described in the Duckeck patent. Respectfully, this coordinate data merely provides the ***location*** of the transmitter. This coordinate data is not indicative of a respective ***transmission region*** of the transmitter. The Duckeck patent further describes that "additional information" 18 may also be transmitted. This additional information contains

descriptions of the "validity ranges" of location-specific messages. See, e.g., col. 4, ll. 7-10. However, the validity ranges do not indicate a transmission region; they indicate only additional cities or towns for which the traffic message may be relevant. See, e.g., col. 4, ll. 60-66. In the example described in the Duckeck patent, the traffic message states "danger: driver driving in wrong direction on Highway A8 between Augsburg and Ulm." Col. 4, ll. 54-56. The text section "Highway A8, Augsburg and Ulm" correspond to the information 18. Thus, the information 18 provides an indication of where the traffic message is relevant, but does not indicate in any regards the transmission region of the transmitter, as recited in the present claims.

In accordance with an example embodiment of the present invention, described in the Specification, traffic messages emitted by radio, containing location data, are selected on the basis of selection information present in the receiver. In this context, the selection information present in the receiver is formed from regional information which is also emitted by radio transmitters. In this context, the regional information emitted by the radio transmitters indicates, in each case, the transmitting region covered by the radio transmitters, or, in other words, the regions in which the radio transmitters are receivable. The selection of the traffic messages takes place according to whether location data contained in them lie inside such a transmitting region.

The Duckeck patent takes a different approach. In the Duckeck patent, the transmission frequency and the coordinates of the transmitter are transmitted and stored in the receiver. If data (e.g., radio programs) are identically emitted by several radio transmitters, and if, furthermore, several of these radio transmitters are receivable at the current receiver location, the frequency data and the coordinate data of these additional receivable radio transmitters are also stored. From the location coordinates of the radio transmitters receivable at the receiver location, a resulting transmitter location is calculated by averaging. This information is used to determine, among other things, to which station the radio should be tuned for subsequent traffic messages.

The Duckeck patent also recognized that the location data of the messages usually concern only one certain location, and therefore the agreement of the location data of the traffic message with location of the transmitter is improbable. Thus, the Duckeck patent provides "validity ranges," i.e., information which provides an indication of the areas in which the traffic messages may be relevant. This information may be used to filter traffic messages.

Considerably different technical effects are achieved by the two approaches. In the present Specification, it is sufficient if the radio transmitter notifies the receiver of its transmission region. For this purpose, example message formats such as those shown in Figs. 2a and 2b may be utilized. According to those formats, the transmission region can be specified by location coordinates having a circumference defined by a radius (see, e.g., claims 15, 19 and 22), or, alternatively, by a code which represents a region in a data bank in the receiver. This transmission region information may be transmitted "decoupled" from the actual traffic messages. In particular, it is not necessary to transmit the transmission region information together with each traffic message.

In the Duckeck patent, with each location information, the cities or towns for which the message may be relevant are also transmitted. This approach would use more transmission capacity than that described in the present Specification.

In view of at least the foregoing, it is respectfully submitted that the Duckeck patent does not anticipate any of claims 13-24 of the present application. Thus, the rejection of claims 13-24 under 35 U.S.C. § 102(b) over the Duckeck patent should be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Reconsideration and allowance of the claims are requested.

Respectfully submitted,

KENYON & KENYON

Dated: 22 Jan 2007

By: _____

Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200
Customer No. 26646